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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-821]

Polyethylene Retail Carrier Bags from Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2014-2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand. The period of review (POR) is August 1, 2014, through July 31, 2015. We preliminarily find that subject merchandise has been sold at less than normal value by K. International Packaging Co., Ltd. (K. International Packaging).<sup>1</sup>

DATES: Effective Date: [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Andre Gziryan, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2201.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to this order is polyethylene retail carrier bags, which are currently classified under subheading 3923.21.0085 of the Harmonized Tariff Schedule of the

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<sup>1</sup> We initiated a review of 45 companies and subsequently rescinded the review with respect to 44 companies pursuant to a timely withdrawal of the request for review. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 60356 (October 6, 2015); see also *Polyethylene Retail Carrier Bags From Thailand: Rescission of Antidumping Duty Administrative Review in Part; 2014-2015*, 80 FR 45952 (August 3, 2015); see also, See the Memorandum from Andre Gziryan to James Maeder titled “Polyethylene Retail Carrier Bags from Thailand: Selection of Respondents for Individual Examination” at footnote 5 for clarification on the company name (K. International Packaging Co., Ltd. is also known as “K. International Packing Co., Ltd.”).

United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>2</sup>

#### Tolling of Deadline of Preliminary Results of Review

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary results of this review is now May 6, 2016.<sup>3</sup>

#### Methodology

We have relied on total facts available with respect to K. International Packaging, the sole company subject to this review. Because this company did not act to the best of its ability to respond to the Department's requests for information, we have drawn an adverse inference in selecting from among the facts otherwise available.<sup>4</sup> We have preliminarily determined to apply a 122.88 percent rate as adverse facts available for K. International Packaging.<sup>5</sup>

#### Preliminary Results of Review

As a result of our review, we preliminarily determine that a weighted-average dumping margin of 122.88 percent exists for K. International Packaging Co., Ltd. on PRCBs from Thailand for the period August 1, 2014, through July 31, 2015.

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<sup>2</sup> See the Memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled, "Preliminary Decision Memorandum for the Administrative Review of the Antidumping Duty Order on Polyethylene Retail Carrier Bags from Thailand" dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>3</sup> See Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas" dated January 27, 2016.

<sup>4</sup> See sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act).

<sup>5</sup> For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum.

## Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>6</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.<sup>7</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>8</sup> Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the final results of this administrative and new shipper review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

## Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. For the final results, if we continue to rely on total adverse facts available to

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<sup>6</sup> See 19 CFR 351.309(d).

<sup>7</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>8</sup> See 19 CFR 351.310(c).

establish K. International Packaging's weighted-average dumping margin, we will instruct CBP to apply an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by K. International Packaging.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of review.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 4.69 percent.<sup>9</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notifications to Importer

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this

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<sup>9</sup> See Section 129 Determination.

requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2016.

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Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

## **Appendix**

### **List of Topics Discussed in the Preliminary Decision Memorandum**

Summary

Background

Scope of the Order

Discussion of the Methodology

A. Use of Facts Available

B. Application of Facts Available With an Adverse Inference

C. Selection and Corroboration of Information Used as Facts Available

Recommendation

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